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May 11, 1998

*BY HAND DELIVERY*

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

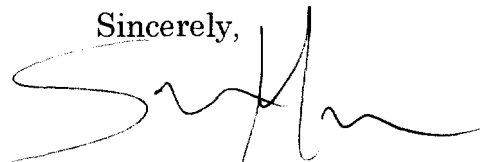
Re: **Ex Parte**  
**PR Docket No. 92-235**

Dear Ms. Salas:

This is to provide notice that the undersigned and Michele Farquhar of Hogan & Hartson, along with Gary Ruark and Susan Pikrallidas of the American Automobile Association, met today in separate meetings with Paul Misener, Senior Legal Advisor to Commissioner Harold Furchtgott-Roth, Peter Tenhula, Legal Advisor to Commissioner Powell, and Ari Fitzgerald, Legal Advisor to Chairman Kennard. The purpose of these meetings was to discuss AAA's pending Petition for Reconsideration in the above-referenced matter. The attached material was distributed during each meeting.

An original and one copy of this filing is being provided. Please do not hesitate to call should you have any questions regarding this filing.

Sincerely,



Steven F. Morris

Enclosures

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cc: Paul Misener  
Peter Tenhula  
Ari Fitzgerald

# **AMERICAN AUTOMOBILE ASSOCIATION**

Petition for Reconsideration  
of Second Report and Order in  
PR Docket No. 92-235  
("Private Radio Refarming" Docket)

May 11, 1998

## **OVERVIEW**

- **As a not-for-profit emergency service provider, AAA needs additional protection for its private land mobile frequencies.**
- **The FCC should treat auto emergency frequencies in the same manner as the Railroad, Power and Petroleum frequencies (“quasi-public safety” status).**
- **Congress has recognized auto emergency services’ status as “public safety radio services” in the 1997 Balanced Budget Act.**
- **Granting the relief sought by AAA would remedy potential and real interference problems and promote other public interest benefits, without harming other public land mobile radio service providers.**

## INTRODUCTION TO AAA

- AAA is a ***not-for-profit*** emergency road service provider. AAA responds to over *29 million calls per year* -- 80,000 per day-- and provides emergency services to over 39 million members.
- AAA has a long history of providing emergency services in situations involving a threat to life or property. Currently, approximately *30 percent of AAA's service calls* -- 8 million per year -- involve situations in which there an *immediate threat to life or property*.
- AAA coordinates closely with local and state public safety officials, particularly during mass emergency situations (such as earthquakes, hurricanes and blizzards), and during traffic emergencies and peak traffic periods.

The general public benefits from these services, not just AAA members.

Many local safety officials have expressed support for AAA's position in this proceeding.

- AAA depends on uninterrupted access to radio frequencies to dispatch tow trucks to the scene of an emergency.

## BACKGROUND ON THE “REFARMING” DOCKET

- Prior to the *Refarming Order*, there were 20 different private land mobile services, each with its own frequency coordinator and its own eligibility requirements; AAA was the coordinator for the Auto Emergency frequencies.
- The *Refarming Order* consolidated the private land mobile services into two broad pools: Public Safety and Industrial/Business.
- Now, each of the coordinators in the Industrial/Business Pool is permitted to assign any frequency in the pool, and there is no ability to block an assignment made by another coordinator.
- The Commission allowed three “quasi-public safety” services (Railroads, Power and Petroleum) within the Industrial/Business Pool to retain control over coordination of their frequencies.
- The Commission placed AAA in the Industrial/Business Pool, but did not provide AAA with the same protections as the three “quasi-public safety” entities.
- **The “Refarming Order” eliminated AAA’s ability to control assignment of Auto Emergency frequencies.**

## PROBLEMS WITH THE CURRENT APPROACH

- Assignment of licenses in the Auto Emergency frequencies by coordinators other than AAA increases the likelihood of harmful interference on those frequencies, which in turn will lead to delays in AAA's ability to respond in emergency situations.
- Some AAA Clubs have already experienced specific interference and coordination problems.
- AAA expects a sharp increase in coordination and interference problems by the end of 1998.

## RELIEF SOUGHT

- **Auto Emergency frequencies require additional protection within the Industrial/Business Pool.**
- As a not-for-profit emergency services provider, AAA is seeking the same degree of control over coordination as other non-governmental entities that serve significant safety needs (*i.e.*, Railroads, Petroleum and Power).
- AAA no longer is seeking placement of the Auto Emergency frequencies in the Public Safety Pool as it had previously suggested in its Petition for Reconsideration.
- AAA is seeking here only to protect incumbents from interference, not to obtain special treatment in procuring new spectrum.



## RATIONALE

- **Auto Emergency services should be treated the same as the quasi-public safety services identified in the Refarming Order.**
- AAA has all the characteristics that the Commission relied on to justify special treatment for Railroads, Power and Petroleum.
  - AAA “responds to emergencies that could impact hundreds or even thousands of people.”
  - Any failure in AAA’s “ability to communicate by radio could have severe consequences on public welfare.”
  - In emergencies, AAA’s operations “can take on an almost quasi-public safety function.”
- In addition, while these other entities primarily use spectrum to support for-profit business operations, AAA is a not-for-profit entity whose primary mission is providing emergency road services.

## **RATIONALE (Continued)**

- **The 1997 Balanced Budget Act supports similar treatment of Auto Emergency services and Railroad, Power and Petroleum services.**
- Congress recognized the valuable public service provided by AAA and classified auto emergency services as “public safety radio services” for purposes of the exemption from auctions contained in the 1997 Budget Act.
- Auto emergency is the only “public safety radio service” identified by Congress that is in the Industrial/Business Pool with no control over coordination of frequencies.
- Failure to grant AAA the same control over coordination as Railroads, Petroleum and Power would result in unequal treatment for entities identified by Congress as being similarly situated.

## PUBLIC INTEREST BENEFITS

- Granting AAA greater control over the assignment of Auto Emergency frequencies will benefit the public generally.
- Auto emergencies can affect large numbers of commuters and others working near roads and highways, not just AAA members.
- As noted earlier, AAA responds to 80,000 emergency calls per day, many in coordination with state and local public safety officials. Approximately 30% of these calls involve immediate threat to life or property.
- State and local public safety officials can provide service more efficiently with continued effective support from AAA.
- Some Auto Emergency frequencies are used by independent tow truck operators that are not affiliated with AAA, that also provide emergency assistance.

## **CONCLUSION**

**In sum, granting the relief sought by AAA would:**

- **Resolve potential and real interference and coordination problems caused by the current approach;**
- **Provide numerous public interest benefits, including the continued provision of efficient and effective emergency road services by a not-for-profit entity.**

**Moreover, granting the proposed relief will not cause any harm to other public land mobile radio services.**